

EXHIBIT 2

Subject: RE: Dr. Flack
Date: Tuesday, October 19, 2021 at 12:00:11 PM Central Daylight Time
From: fowlerst@gtlaw.com
To: John Davis
CC: valpec@kirtlandpackard.com, harkinss@gtlaw.com, fowlerst@gtlaw.com
Attachments: image001.png, image002.png

John,

We have considered your note below and your request that Defendants agree to limit Dr. Flack's opinions in the way you have proposed, and Defendants decline to agree because that would be inconsistent with his report and testimony.

Regards,

Steve

Stephen T. Fowler
Of Counsel

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From: John Davis <jdavis@slackdavis.com>
Sent: Tuesday, October 19, 2021 11:26 AM
To: Harkins, Steven M. (Assoc-ATL-LT) <harkinss@gtlaw.com>; Fowler, Stephen T. (OfCnl-DC-LT) <fowlerst@gtlaw.com>
Cc: 'valpec@kirtlandpackard.com' <valpec@kirtlandpackard.com>
Subject: Re: Dr. Flack

EXTERNAL TO GT

Steve and Stephen, I need a response on this by tomorrow. Thank you,

John

From: John Davis <jdavis@slackdavis.com>
Date: Monday, October 11, 2021 at 12:26 PM
To: harkinss@gtlaw.com <harkinss@gtlaw.com>, fowlerst@gtlaw.com <fowlerst@gtlaw.com>

Cc: 'valpec@kirtlandpackard.com' <valpec@kirtlandpackard.com>

Subject: Dr. Flack

Steve and Stephen,

As you are aware I questioned Dr. Flack regarding the following statement at p. 30 of his report: "In my personal experience, I did not witness any patients have an adverse effect as a result of the NDMA/NDEA impurities found in valsartan."

Dr. Flack testified that he essentially meant something different, namely, that he did not witness adverse effects as a result of the recall and having to switch therapies. (Flack Dep. 177-78 ("the adverse effect has to do with when the drug is recalled ... it's not talking about cancer").)

Can you confirm by Weds. 10/13 that Dr. Flack is limiting his opinion as stated at his deposition, and that he will not seek to offer at any point in this litigation an opinion that

- He did not witness cancer diagnoses as a result of NDMA/NDEA exposure among his patients
- He ruled out NDMA/NDEA exposure as a cause of cancer diagnoses among his patients

By confirming Dr. Flack is not offering such opinions, we can avoid moving to exclude those opinions and presenting the court with unnecessary motion practice. Please confirm by Weds. 10/13.

Thank you,

John R. Davis

Partner

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